

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

HECTOR MARTINEZ,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-11-830-F
	)	
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

**Report and Recommendation:**  
**The Plaintiff's Application for an Extension of Time (Doc. 95)**

In part, Mr. Hector Martinez claims that prison officials were negligent in providing medical care. On this claim, the Defendant has moved for dismissal based on the Plaintiff's failure to submit an affidavit with his complaint and the Plaintiff seeks additional time to submit the affidavit (Doc. 95).

In a separate report, I have recommended denial of the motion to dismiss because the Plaintiff would not need to file an affidavit (even if the requirement applied in federal court) because he is indigent (Doc. 125). This ruling would moot the Plaintiff's request for an extension; accordingly, if the Court adopts the separate report for denial of the motion to dismiss, it should dismiss the Plaintiff's extension request on grounds of mootness.

The parties can object to this report. To object, the party must file an objection with the Clerk of this Court by February 8, 2013.<sup>1</sup> The failure to timely object would foreclose appellate review of the suggested ruling.<sup>2</sup>

The referral is discharged.

Entered this 22nd day of January, 2013.

  
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Robert E. Bacharach  
United States Magistrate Judge

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<sup>1</sup> See Fed. R. Civ. P. 6(d), 72(b)(2); 28 U.S.C.A. § 636(b)(1) (West 2011 supp.).

<sup>2</sup> See *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).